## REMARKS

The Office Action dated February 17, 2011 has been carefully reviewed, and these remarks are responsive thereto. Claims 1-3, 6-10, and 13-25 are currently pending and stand rejected. No amendments are made by this paper. Applicant respectfully requests reconsideration of the current rejections in light of the following remarks.

Discussion of Claims Rejected under 35 U.S.C. § 103(a)

Claims 1-3, 6, 9-10, and 13-25 are rejected under 35 U.S.C § 103(a) as being obvious over Hierarchical Mobile IPv6 mobility management (HMIPv6) ("Soliman") in view of U.S Patent No. 6,915,325 ("Lee").

With respect to the Claim 1, the Examiner states that Soliman discloses the feature of allocating a secondary care of address to the network entity, and discloses the feature of sending a packet, addressed to the correspondent node, from the network entity, wherein the packet has the secondary care of address as a source address. The Examiner concedes that Soliman fails to disclose the remaining features in the claim. To cure this deficiency, the Examiner relies on Lee, stating that it discloses the missing features at column 6, line 66 through column 7, line 7. According to the Examiner, it would have been obvious to modify Soliman to include tunneling as disclosed by Lee, in order to provide efficiently permitting communication with a mobile node through tunnels across various domains in the mobile IP network. Office Action at 4-5. Similar rejections were made as to independent Claims 10 and 14.

Applicant respectfully submits that the Examiner has failed to establish obviousness with respect to Claim 1, and requests that the rejections be withdrawn.

### Law of Obviousness

To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art reference (or references when combined) render all of the claim limitations obvious: "All words in a claim must be considered in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970); *see also M.P.E.P. § 2143.03*.) Further, the Examiner must clearly articulate reasons why the claimed invention would have been obvious, with some rational underpinning to support the legal conclusion of obviousness, and taking into consideration how a person of ordinary skill would have understood the prior art teachings. (M.P.E.P. § 2141). The art must be such that the skilled artisan would

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have a reasonable expectation of success at practicing the claimed invention.  (M.P.E.P. §
2143.02).  Finally, even if a *prima facie* case of obviousness is established, this can be rebutted
by showing that the art, in any material respect, teaches away from the claimed invention.
M.P.E.P. §2144.05 (III), *citing In re Geisler*, 116 F.3d 1465, 1471 (Fed. Cir. 1997).  For
example, it is well-established that "it is improper to combine references where the references
teach away from their combination." (MPEP 2145(x)(D)(Emphasis added); *See In re Grasselli*,
713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)).  The combination of Soliman and Lee
does not support a *prima facie* case of obviousness as Soliman and Lee fail to disclose all of the
features of the present claims and as Soliman teaches away from combination with embodiments
such as those disclosed in Lee and as suggested by the Examiner.

*The Proposed Combination Fails to Disclose "Tunnelling ... from the*
*Correspondent Node to the Network Entity"*

Independent Claim 1 recites, among other things, "tunnelling, in a session between the
correspondent node and the mobile node, one or more session packets from the correspondent
node to the network entity, wherein the session packets have the correspondent node address as
the source address and the care-of address as the destination address."  Applicant respectfully
submits even if the proposed combination were proper, neither Soliman nor Lee discloses at least
these features.

Soliman describes hierarchical mobility management to reduce the amount of signaling
between a mobile node, its home agent, and a correspondent node.  *See* Soliman, Abstract.
Specifically, Soliman focuses on eliminating delays and disruptions caused when a mobile node
transitions between access routers.  *See* Soliman, Introduction.  This decrease in delay and
disruption is accomplished by minimizing the transmission of binding updates from the mobile
node to the home agent and/or the correspondent node.  *See* Soliman, Introduction.  Soliman
teaches that use of a mobility anchor point (MAP), which acts as a local home agent, decreases
the number of binding updates sent to a home agent and/or to a correspondence node, as the
mobile node only sends binding updates to the MAP, and thereby minimizes unnecessary and
time consuming communications.  *See* Soliman, Introduction.  In line with this express purpose
of minimizing the number of binding updates communicated from a mobile node to a home agent
and/or a correspondence node, Soliman teaches maintaining a semi-constant CoA (RCoA) at the
MAP and tunneling communication collected by the MAP to the mobile node.  *See* Soliman,

MAP Operation. Thus, Soliman teaches tunneling from the MAP. A MAP is not the same as a "correspondent node" as recited in Claim 1. Accordingly, Soliman does not teach "tunneling … one or more session packets from the correspondent node to the network entity" as recited in independent Claim 1.

Lee similarly fails to disclose this feature. Lee relates to sending binding updates for a correspondent host (50), which are intercepted by a correspondent agent (60). *See* Lee, Figures 3 and 6, and Col. 5, Line 65 to Col. 7, Line 17. Lee teaches separating the mobile node (10) from the correspondent host (50) with a correspondent agent (60) by establishing tunneling between the correspondent agent (60) and the mobile node (10) via a foreign agent. *See* Lee, Col 6, Line 66 to Col. 7, Line 7. Thus, as Lee teaches tunneling between a <u>correspondent agent</u> (60) and a mobile node (10) via the foreign agent, Lee fails to teach "tunnelling, in a session between the <u>correspondent node</u> and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address" as recited in independent Claim 1.

As neither Soliman nor Lee disclose "tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address" as recited in Claim 1, the combination of Soliman and Lee fails to establish *prima facie* obviousness. Accordingly, the patentability of Claim 1 is not defeated by the combination of Soliman and Lee, and Applicant, therefore, respectfully requests that the Examiner withdraw the rejections to Claim 1. In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to the dependent claims, and respectfully submits that the dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

For similar reasons to those discussed above, the combination of Soliman and Lee fails to support *prima facie* obviousness with respect to independent Claims 10 and 14. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to these claims. In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to the dependent claims, and respectfully submits that the dependent claims are

in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

*The Proposed Combination is Improper*

Additionally, even if the combination of Soliman and Lee did support the establishment of *prima facie* obviousness, such a combination would be improper because Lee teaches away from the system and method recited in the claims. As discussed above, the tunnel recited in the independent claims starts as the correspondent node: "tunnelling, in a session between the correspondent node and the mobile node...." Thus, in the claimed embodiments, the correspondent node has knowledge of the current location of the mobile node.

The tunnel described in the cited portions of Lee starts at a correspondent agent (60). Lee states that his configuration is advantageous because "[b]y forming a tunnel at a correspondent agent, the current location of the mobile node can be kept *secret from the correspondent host.*" Lee at column 2, lines 47-49. Since the goal of Lee's system is to keep the location of the mobile node secret from the correspondent host, a skilled artisan would not rely on Lee's teachings to implement a system, such as that recited in Claim 1, in which the correspondent node has knowledge of the current location of the mobile node. In fact, Lee's teaching in this regard would lead a skilled artisan away from the claimed system. Accordingly, Lee cannot be relied upon to establish obviousness in this case, as it teaches away from the invention as claimed.

Discussion of Dependent Claims

The remaining claims depend from one of independent Claims 1, 10, and 14 as set forth above. Pursuant to 35 U.S.C. § 112, paragraph 4 112, paragraph 4, these claims each recite the same features as those discussed above. In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to the dependent claims, and respectfully submits that the dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

No Disclaimers or Disavowals

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and

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withdrawal of the outstanding rejections is respectfully requested.  If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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